



By courier

United States Bankruptcy Court Southern District of New York
Attn. The Chambers of the Honorable James M. Peck
One Bowling Green, New York
New York 10004, Courtroom 601
United States of America

Amsterdam, 14 March 2011

Re: Response to the Ninetieth Omnibus Objection to Claims
Chapter 11 Case No. 08-13555 (JMP)
(Jointly Administered)
Claim Number: 49003

Dear Judge Peck,

Undersigned acts as Dutch legal representative of Oostnederlandse Vereniging Aannemers Reservefonds (hereinafter: "my client" or "O.V.A.R."). On behalf of my client, I inform you as follows.

Enclosed for filing is the Response of O.V.A.R. to the Ninetieth Omnibus Objection to Claims of Lehman Brothers Holdings INC., et al., Debtors, to expunge, reduce, reclassify, and/or disallow Claimant's claim.

Please note that any reply to the response may be send to the following address:
Koninginneweg 6
1075CX Amsterdam
the Netherlands

Thank you for your attention in this matter.

Sincerely yours,

Joost le Clercq
E-mail: jc@bradakuttner.com



**UNITED STATES BANKRUPTCY COURT IN THE
SOUTHERN DISTRICT CIRCUIT, NEW YORK**

**CHAPTER 11 CASE NO 08-13555 (JMP)
JOINTLY ADMINISTERED**

In the matter of

**OOSTNEDERLANDSE VERENIGING
AANNEMERS RESERVEFONDS (O.V.A.R.),**

Claimant,

vs.

LEHMAN BROTHERS HOLDINGS INC., et al.,

Debtors.

**CLAIMANT'S RESPONSE TO DEBTOR'S NINETIETH OMNIBUS OBJECTION TO CLAIMS (NO
LIABILITY CLAIMS)**

DESCRIPTION OF THE BASIS FOR THE AMOUNT OF THE CLAIM

Claimant is holder of notes and certificates issued by Lehman Brothers Treasury Co. B.V. (hereinafter "LBT"). Lehman Brothers Holdings Inc (hereinafter "LBHI") guaranteed the issued notes and certificates by LBT. The claim is based on Lehman Programs Securities. The total amount owed by LBHI as guarantor as of September 15, 2008 amounts to € 176,888.00,-. The International Securities Identification Number (ISIN) is XS0215349357.

**TO THE HONORABLE JAMES M. PECK
UNITED STATES BANKRUPTCY JUDGE:**

Claimant hereby files his response to the objections of Debtors to Claimant's claim, in the above-captioned chapter 11 case, and respectfully requests the Court to deny Debtors request to expunge, reduce, reclassify, and/or disallow Claimant's claim as listed above, for the reasons below:

1. According to the Debtors they have no liability for the claim filed by the Claimant in this chapter 11 case, because Claimant seeks to recover for Preferred Securities that were neither issued nor guaranteed by the Debtors.
2. According to the Debtors the Preferred Securities in possession of Claimant were issued by Lehman Brothers UK Capital Funding L.P., Lehman Brothers UK Capital Funding II L.P., and Lehman Brothers UK Capital Funding III L.P and were guaranteed by Lehman Brothers Holdings plc.
3. The Debtors state that none of the in paragraph two mentioned entities are Debtors in these chapter 11 cases and as a consequence Claimant has no claim against the Debtors. They arrive at the conclusion that the Claimant has no claim against the Debtors, due to the ISIN. The Debtors claim that the specific ISIN of Claimant relates to securities issued by the above in paragraph two mentioned entities.
4. Claimant responds to the Debtors objection by stating that the Preferred Securities held by Claimant were issued by LBT and guaranteed by LBHI. This is backed by the e-mail of the administrator of



LBT in the Netherlands, which document is contained in **Exhibit A**. This e-mail is specially directed towards all holders of notes and certificates issued by LBT and guaranteed by LBHI. This is confirmed in a letter of Fortis Bank Nederland directed towards the Claimant, which document is contained in **Exhibit B**. In the first sentence of the second paragraph is stated, although in Dutch, that Claimant is holder of notes issued by LBT and guaranteed by LBHI. Both documents confirm that Claimant is holder of notes issued by LBT and guaranteed by LBHI.

5. Accordingly, Claimant respectfully request, for all the reasons above, that this Court denies Debtors Ninetieth Omnibus Objection to Claims in its entirety.

**OOSTNEDERLANDSE VERENIGING
AANNEMERS RESERVEFONDS (O.V.A.R.),**

On behalf of: **H.V. Jongman**

By: **J.P.M. le Clercq**

Its: **Attorney and legal representative**

BRADA KUTTNER ATTORNEYS LEGAL & TAX

Address and person to respond to:
Attn: J.P.M. le Clercq attorney at law in the Netherlands
Koninginneweg 6,
1075 CX, Amsterdam
the Netherlands
(+31) (0)20-5774000 Telephone
(+31) (0)20-5774040 Facsimile
Attorney for Claimant

Exhibit A

H.V. Jongman (O.V.A.R)

Van: Lehman Brothers Treasury Co BV [noreply.lbtreasurybv@houthoff.com]

Verzonden: vrijdag 2 oktober 2009 13:42

Aan: info@ovar.nl

Onderwerp: Notice to all holders of notes and certificates

**Notice to all holders of notes and certificates issued by
Lehman Brothers Treasury Co. B.V. ("LBT") under the**

**USD 100,000,000,000 Euro Medium Term Note Program
USD 4,000,000,000 German Note Issuance Program
Certificates Program
Inflation Linked Notes Program**

1 October 2009

This notice serves for information purposes only. In addition to notices to holders of notes and certificates, the bankruptcy trustee of LBT will also publish quarterly public reports in accordance with Dutch bankruptcy law on the website www.lehmanbrotherstreasury.com.

1. US Bar Date

1.1 Please take notice that, on July 2, 2009, the United States Bankruptcy Court for the Southern District of New York (the "U.S. Bankruptcy Court"), having jurisdiction over the chapter 11 cases of Lehman Brothers Holdings Inc. ("LBHI"), entered an order (the "Bar Date Order") establishing **November 2, 2009 at 5:00 p.m. (prevailing Eastern Time)** (the "Programs Securities Bar Date") as the last date and time for each person or entity to file a proof of claim based upon claims arising out of certain securities issued by LBHI or any of their affiliates (including LBT) outside of the United States (the "Programs Securities"). A list of the Programs Securities to which the Programs Securities Bar Date applies can be found at <http://www.lehman-docket.com> on the "Bar Date Information and Forms" page under the heading "Lehman Programs Securities And The Securities Programs Bar Date."

1.2 Most holders of notes and certificates issued by LBT (jointly: "LBT Notes") appear to have claims against LBHI as guarantor of the LBT Notes. Note that if claims under such guarantees are not filed with LBHI by **November 2, 2009**, such claims against LBHI may be forever barred.

1.3. The Notice of Deadlines for Filing Proofs of Claim Based on Lehman Programs Securities (the "Programs Securities Bar Date Notice") contains specific instructions on how to assert (guarantee) claims against LBHI based on Programs Securities. The Programs Securities Bar Date Notice and the required Programs Securities Proof of Claim Form can be found at <http://www.lehman-docket.com> on the "Bar Date Information and Forms" page under the heading "Lehman Programs Securities And The Securities Programs Bar Date."

1.4. Please take further notice that, your bank, broker or any other entity that holds Programs Securities on your behalf may choose not to file a Programs Securities Proof of Claim on your behalf. In that event, in order to assert claims against LBHI based on Programs Securities, ultimate beneficial holders of Programs Securities must submit a Programs Securities Proof of Claim Form on their own behalf. In doing so, such beneficial holders must comply with the procedures and instructions set forth in the Programs Securities Bar Date Notice when submitting such Proof of Claim, including, obtaining a Euroclear Electronic Instruction Reference Number, a Clearstream Blocking Reference Number or other depository blocking reference number as appropriate (each, a "Blocking Number").

Beneficial holders (which includes most individuals) of Programs Securities that are not Euroclear Bank, Clearstream Bank or other depository account holders may not be able to contact those depositories directly for a Blocking Number. Such beneficial holders are therefore advised to direct their bank, broker or other entity that holds such securities on their behalf to contact the appropriate depository to obtain the Blocking Number. **All requests for Blocking Numbers must be sent to the appropriate depository prior to 5:00 p.m. (prevailing Eastern Time)/11:00 p.m. (CET) on October 23, 2009.**

1.5. Holders of LBT Notes and other Programs Securities may wish to consult an attorney if the holder has any questions, including whether such holder has any claims against LBHI and whether such holder should file a Programs Securities Proof of Claim.

2. Future communication

2.1. The bankruptcy trustee of LBT will from time to time send notices to holders of LBT Notes through the communication channels of the clearing agencies. Intermediary parties, such as banks and brokers that have an account with such clearing agencies, are requested to forward notices to intermediary banks and/or to the ultimate beneficial holders of LBT

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Notes they represent. All notices will also be made available on the website of the bankruptcy trustee of LBT (www.lehmanbrotherstreasury.com).

2.2. Other information on the bankruptcy of LBT, such as quarterly public reports, will also be made public on this website. Holders of LBT Notes that are included on the mailing list will receive a notification by email if information is made available on the website. Holders of LBT Notes that are not yet included on the mailing list can register by sending an email with "Register" in the subject field to info.lbtresurybv@houthoff.com.

Amsterdam, 1 October 2009

Lehman Brothers Treasury Co. B.V.

Rutger Schimmelpenninck,

Bankruptcy Trustee (*curator*)

Do you not want to receive any more newsletters from us? [Click here to unsubscribe.](#)

Exhibit B

Fortis Bank Nederland

O.V.A.R.
POSTBUS 51
7490 AB DELDEN

Datum 25 september 2009
Ref. SEC/LBO/Lehman/ 0641578040
Onderwerp Lehman Brothers
Bijlagen 3

Fortis Bank
Securities Handling
Local Back Office NL

Geachte heer, mevrouw,

Eind vorig jaar hebben we u geïnformeerd over het faillissement van Lehman Brothers Treasury Co. B.V. ("LBT"), uitgesproken op 8 oktober 2008 door de Rechtbank Amsterdam, met benoeming van Rutger Schimmelpenninck van Houthoff Buruma N.V. als curator.

Blaak 555
Postbus 1045
3000 BA Rotterdam
Nederland
www.fortis.nl

U bent houder van 'notes of certificates' (notes) die zijn uitgegeven door LBT waarbij een garantie is gesteld door Lehman Brothers Holdings Inc.. De houders van Lehman Brothers-notes hebben een vordering op zowel het in Nederland gevestigde Lehman Brothers Treasury Co. B.V. (LBT) als de Amerikaanse groepsmaatschappij Lehman Brothers Holdings Inc. (LBHI). Deze brief geeft informatie over de mogelijkheid tot het indienen van een vordering op de Amerikaanse groepsmaatschappij Lehman Brothers Holdings Inc. (LBHI).

Het Nederlandse LBT is de uitgevende instelling van de notes, terwijl het Amerikaanse LBHI als garantieverstrekker optreedt. Dit betekent dat betalingen onder de notes zijn gegarandeerd door LBHI (waaronder de aflossing op de einddatum). Deze garantie is de basis voor het indienen van een vordering in het faillissement van LBHI. Het indienen van de vordering geschiedt via een zogenaamde 'proof of claim' formulier.

Met dit proof of claim formulier melden wij, op uw verzoek, de stukken aan voor de claim op LBHI bij het Lehman Brothers Claims Processing Center in New York en worden de stukken geblokkeerd. Wij voeren de aanmelding alleen uit nadat u ons hiertoe schriftelijk opdracht hebt gegeven. De keuze ligt bij u. Fortis Bank Nederland – en andere partijen betrokken bij (het indienen van) uw vordering – kunnen echter geen enkele aansprakelijkheid aanvaarden met betrekking tot het indienen van de claim en de eventuele uitkomst daarvan.

Datum 25 september 2009

Onderwerp Lehman Brothers

Als u opdracht wilt geven uw stukken aan te melden, dan verzoeken wij u het bijgaande proof of claim formulier in te vullen. Om dit voor u zo eenvoudig mogelijk te maken, hebben wij uw positiegegevens in de bijlage opgenomen en het formulier voorzien van invulinstructies. Wij verzoeken u het ingevulde formulier in bijgaande antwoordenvolp naar ons terug te sturen. Uw aanvraag moet uiterlijk 9 oktober 2009 in ons bezit zijn.

Nadat uw stukken zijn geblokkeerd, voegen wij het blocking nummer toe aan de proof of claim en sturen deze op naar het Lehman Brothers Claims Processing Center in New York. U ontvangt van ons een kopie van het formulier per post, voor uw eigen administratie. Over de verdere afwikkeling van de claim wordt u op de hoogte gehouden door het Lehman Brothers Claims Processing Center, zonder tussenkomst van Fortis Bank. Wij zijn geen partij in dit proces.

Wij verwachten dat het zeker nog jaren kan duren voordat duidelijk wordt of en hoeveel er wordt uitgekeerd. Dit is ook afhankelijk van de afwikkeling van het faillissement van de Nederlandse Lehman-vennootschap, Lehman Brothers Treasury Co. B.V. De Nederlandse curator is verantwoordelijk voor de informatievoorziening met betrekking tot de afwikkeling van dit faillissement. U kunt zich aanmelden voor de mailing list door een e-mail te sturen met daarin uw naam en adres aan info.lbtresurybv@houthoff.com.

Meer informatie over het claim proces LBHI vindt u op www.lehman-docket.com. Mocht u nog vragen hebben, aarzelt u dan niet om contact met uw beleggingsadviseur op te nemen.



Jacques Marchand
Teamleader Local Back Office NL



Linda Kamerbeek
Head Local Back Office NL